

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHAKELLIA SHIRLYN DAVIS,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY

Case Number 12-14437
Honorable David M. Lawson
Magistrate Judge Mark A. Randon

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
GRANTING COMMISSIONER'S MOTION FOR SUMMARY JUDGMENT, DENYING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, AND AFFIRMING THE
ADMINISTRATIVE LAW JUDGE'S DECISION**

Presently before the Court is the report issued on October 16, 2013 by Magistrate Judge Mark A. Randon pursuant to 28 U.S.C. § 636(b), recommending that the Court grant the Commissioner's motion for summary judgment, deny the plaintiff's motion for summary judgment, and affirm the Administrative Law Judge's ("ALJ") decision. Although the report stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #13] is **ADOPTED**.

It is further **ORDERED** that Commissioner's motion for summary judgment [dkt. #12] is **GRANTED**.

It is further **ORDERED** that the plaintiff's motion for summary judgment [dkt. #8] is **DENIED**.

It is further **ORDERED** that the ALJ's decision is **AFFIRMED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: November 6, 2013

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 6, 2013.

s/Shawntel Jackson
SHAWNTEL JACKSON